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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,583	06/24/2003	Kimio Nagasaka	116034	8358
25944	7590	10/19/2005		
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER DOAN, JENNIFER	
			ART UNIT 2874	PAPER NUMBER

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

<b>Office Action Summary</b>	<b>Application No.</b> 10/601,583	<b>Applicant(s)</b> NAGASAKA ET AL.	
	<b>Examiner</b> Jennifer Doan	<b>Art Unit</b> 2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2005.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 14 and 16 is/are rejected.
- 7) ☒ Claim(s) 2-5, 15 and 17-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>072005</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Applicants' communication filed on July 12, 2005 has been carefully studied by the Examiner. The arguments advanced therein, considered together with the amendment made to the claims, are persuasive. In view of further search, however, a relevant document is found; therefore, a new rejection is set forth below. This action is **not** made final.

#### ***Information Disclosure Statement***

1. The prior art documents submitted by applicant in the Information Disclosure Statement filed on 07/20/05, have all been considered and made of record (note the attached copy of form PTO-1449).

#### ***Specification***

2. Applicants' cooperation is requested in correcting any errors of which applicants may become aware in the specification.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1, 14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Togashi (JP 04-053912).

With respect to claims 1 and 14, Togashi (figures 1 and 2) discloses a method and an apparatus of an alignment adjustment device for use with an object, comprising an optical socket (2) having a supporting body and defining a fitting hole (figure 1); an optical head (6) inserted into the fitting hole of the optical socket (2), the optical head photographing the object around a bottom portion of the fitting hole, and outputting an image of the object as a read signal together with information representing a photographing reference position; an image processing device to process the read signal to detect a difference between the object and the reference position; and a moving device to reduce the difference by moving the supporting body and the optical socket relative to each other according to the difference (see the abstract).

With respect to claim 16, Togashi discloses the alignment adjustment device, wherein the information representing the reference position being a marker indicating a predetermined position on a screen of the photographed image (see the abstract).

#### ***Allowable Subject Matter***

5. Claims 2-5, 15 and 17-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record fails to disclose the method of manufacturing an optical transceiver, wherein the assembling object including at least one of a light-transmitting

substrate and a can package as recited in claim 2; wherein the image of the assembling object including at least one of a wiring pattern, a positioning mark, a positioning hole, a light-emitting element, a light-receiving element, a lens, and a window of the can package which are formed on the assembling object as recited in claims 3 and 18; wherein the reference position information being a marker representing a screen central position of the photographed image as recited in claim 4; wherein the mounting including disposing an image-formation position adjustment lens to adjust an image-formation position of the image between the optical head and the assembling object so as to obtain the image of the assembling object as recited in claims 5 and 19; further the information representing the reference position being an alignment mark formed on one end face of a columnar body in the optical head, the face facing the object inserted into the fitting hole of the optical socket as recited in claim 17.

### ***Response to Arguments***

6. Applicants' arguments with respect to claims 1-5 and 14-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Doan whose telephone number is (571) 272-2346. The examiner can normally be reached on Monday to Thursday from 6:00am to 3:30pm, second Friday off.

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8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jennifer Doan

Patent Examiner

October 12, 2005